

Message Text

SECRET

PAGE 01 SEOUL 00360 01 OF 02 161010Z
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
-----020727 161012Z /10
O 160900Z JAN 78
FM AMEMBASSY SEOUL
TO SECSTATE WASHDC NIACT IMMEDIATE 8719

S E C R E T SECTION 1 OF 2 SEOUL 360

EXDIS

E.O. 11652: GDS
TAGS: PGOV, KS, US
SUBJ: TONGSUN PARK CASE: TEXT OF MOU

FOLLOWING IS TEXT OF MOU AS SIGNED IN SEOUL. BY SEPTTEL WE
ARE SENDING YOU COMMENTS ON MOU DEP ATTGEN CIVILETTI INTENDS
TO MAKE AT TIME OF RELEASE. RELEASE SCHEDULED FOR 0800,
JANUARY 17 1978, SEOUL TIME. BEGIN TEXT.

TITLE: MEMORANDUM OF UNDERSTANDING BETWEEN UNITED STATES
DEPARTMENT OF JUSTICE AND TONG SUN PARK.

THE FOLLOWING IS TO CONFIRM, FORMALIZE, AND MEMORIALIZE THE
COMMITMENTS MADE RESPECTIVELY BY TONG SUN PARK ("PARK") AND
THE DEPARTMENT OF JUSTICE ("THE DEPARTMENT") REGARDING PARK'S
PROMISE TO GIVE TRUTHFUL TESTIMONY: (1) AT A DISPOSITION IN
SEOUL, KOREA; AND (2) AT ANY SUBSEQUENT TRIALS IN THE UNITED
STATES OF UNITED STATES OFFICIALS OR PERSONS, AND THE
DEPARTMENT'S OFFERS TO: (1) INFORMALLY GRANT PARK TRANS-
ACTIONAL IMMUNITY FROM PROSECUTION FOR PAST CRIMES RELATING
TO HIS ALLEGED PAYMENTS TO CONGRESSMEN, CONDITIONED ON
HIS PROVIDING FULL COOPERATION, INCLUDING TRUTHFUL
AND CANDID TESTIMONY; AND (2) SEEK DISMISSAL OF THE
INDICTMENT PRESENTLY PENDING AGAINST HIM AFTER PARK
HAS TESTIFIED TRUTHFULLY AT ALL TRIALS.

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THERE ARE NO OTHER COMMITMENTS, ORAL OR WRITTEN, AND
THOSE STATED HEREIN SUPERCEDE ANY WHICH WERE DISCUSSED
DURING THE NEGOTIATIONS LEADING TO THESE UNDERTAKINGS.

A. UNDERTAKINGS BY DEPARTMENT OF JUSTICE

1. TO TRAVEL TO THE REPUBLIC OF KOREA TO DISPOSE PARK IN SEOUL ("DEPOSITION TESTIMONY").

2. TO FAIRLY EVALUATE THE TRUTHFULNESS OF HIS DEPOSITION AND HIS LATER TRIAL TESTIMONY IN LIGHT OF DOCUMENTS, TESTIMONY, AND INFORMATION ACQUIRED IN THE DEPARTMENT'S INVESTIGATION, INCLUDING THE RESULTS OF POLYGRAPH EXAMINATION OF PARK.

3. TO PRESENT TRANSCRIPTS OF PARK'S DEPOSITION TESTIMONY TO A GRAND JURY IN LIEU OF PERSONAL APPEARANCE BY PARK FOR THE PURPOSE OF SEEKING SUCH INDICTMENTS AGAINST UNITED STATES OFFICIALS OR PERSONS AS MAY BE WARRANTED.

4. TO FACILITATE PARK'S ENTRY INTO THE UNITED STATES FOR THE PURPOSE OF GIVING TESTIMONY AT TRIALS OF UNITED STATES OFFICIALS OR PERSONS.

5. TO ACT TO PROTECT PARK WHILE HE IS IN THE UNITED STATES FOR THE PURPOSE OF TESTIFYING, SHOULD CAUSE FOR SUCH ACTIONS EXIST.

6. TO OFFER TO APPROPRIATE COMMITTEES OF THE CONGRESS RELEVANT PORTIONS OF THE TRANSCRIPTS OF PARK'S DEPOSITION TESTIMONY AND TO SUGGEST THAT THEY BE ACCEPTED IN LIEU OF ISSUANCE OF SUBPOENAS FOR PERSONAL
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APPEARANCE BY PARK DURING HIS VISITS IN THE UNITED STATES FOR TRIAL TESTIMONY.

7. NOT TO INTERPOSE OBJECTION TO ANY REQUEST BY PARK OR HIS COUNSEL FOR APPROPRIATE REVIEW OF PENDING CIVIL TAX MATTERS, INCLUDING LIENS, LEVIES, AND FORFEITURES PURSUANT TO JEOPARDY ASSESSMENT, BY APPROPRIATE AUTHORITIES OF THE DEPARTMENT OF JUSTICE AND/OR THE DEPARTMENT OF TREASURY. (ASTERISK)

(ASTERISK) THE UNITED STATES JUSTICE DEPARTMENT DOES NOT MAKE ANY COMMITMENT WHATEVER TO ATTEMPT TO AFFECT THE DETERMINATION OF PARK'S CIVIL TAX LIABILITIES OR PENDING LITIGATION RELATING THERETO, EXCEPT THE REVIEW DESCRIBED ABOVE OR TO AFFECT THE DISPOSITION OF OTHER CIVIL MATTERS BETWEEN THE UNITED STATES GOVERNMENT AND TONG SUN PARK OR ANY PRIVATE PERSON OR ENTITY AND TONG SUN PARK IN THE UNITED STATES.

8. TO PERMIT AND FACILITATE ANY TESTIMONY WHICH PARK MAY WISH TO GIVE IN THE TAX COURT OR OTHER COURTS CONCERNING HIS CIVIL TAX LIABILITIES TO THE UNITED STATES.

9. NOT TO INSITITUE FURTHER CRIMINAL CHARGES AGAINST PARK IN CONNECTION WITH ALLEGED ILLEGAL LOBBYING OF UNITED STATES OFFICIALSNN EITHER ON THE BASIS OF HIS TESTIMONY OR INDEPENDENT EVIDENCE, PROVIDED HE SHALL GIVE COMPLETE, CANDID AND TRUTHFUL TESTIMONY IN THE DEPOSITION AND AT ALL TRIALS AND OTHERWISE FULLY COOPERATE AS AGREED HEREIN, AS DETERMINED SOLELY BY THE DEPARTMENT OF JUSTICE.

10. TO MOVE THE COURT FOR DISMISSAL OF THE 36-COUNT INDICTMENT PRESENTLY PENDING AGAINST PARK PROMPTLY FOLLOWING THE COMPLETION OF HIS TESTIMONY AT THE TRIAL OF THE UNITED STATES OFFICIAL OR PERSON WHO IS PROSECUTED LAST, PROVIDED THAT ALL OF PARK'S TESTIMONY SHALL HAVE
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BEEN TRUTHFUL AND CANDID AND THAT PARK SHALL HAVE PROVIDED FULL COOPERATION, AS AGREED HEREIN, ACCORDING TO THE SOLE DETERMINATION OF THE DEPARTMENT.

11. TO PAY ALL REASONABLE COST S IN CONNECTION WITH PARK'S TRAVEL TO AND FROM THE UNITED STATES AND HIS VISITS IN THE UNITED STATES IN CONNECTION WITH TESTIFYING AT CRIMINAL TRIALS, ACCORDING TO LAW.

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TO SECSTATE WASHDC NIACT IMMEDIATE 8720

S E C R E T SECTION 2 OF 2 SEOUL 360

EXDIS

12. TO PERMIT AND FACILITATE PARK'S CONSENSUAL DEPARTURE FROM THE UNITED STATES TO THE REPUBLIC OF KOREA PROMPTLY

FOLLOWING COMPLETION OF HIS TESTIMONY AT EACH TRIAL OR PROCEEDING, IN ACCORDANCE WITH THE LAW AND SUBJECT TO ANY LEGAL PROCEEDINGS OR PROCESSES.

B. UNDERTAKINGS BY TONG SUN PARK

1. TO APPEAR AS REQUESTED AT A LOCATION IN SEOUL, KOREA, TO BE AGREED UPON BY THE GOVERNMENTS OF THE REPUBLIC OF KOREA AND THE UNITED STATES TO SUBMIT TO EXAMINATION UNDER OATH ADMINISTERED BY A UNITED STATES OFFICIAL. HIS DEPOSITION TESTIMONY IS TO BE STENOGRAPHICALLY RECORDED BY A UNITED STATES COURT REPORTER.

2. TO ANSWER FULLY AND TRUTHFULLY ALL QUESTIONS POSED BY UNITED STATES PROSECUTORS. THE QUESTIONS SHALL CONCERN PARK'S RELATIONSHIP WITH UNITED STATES OFFICIALS, INCLUDING CONGRESSMEN, AND RELATED ACTIONS OR STATEMENTS MADE BY PARK OR MADE IN HIS PRESENCE. IN ADDITION, PARK MAY BE QUESTIONED ABOUT KOREAN OR AMERICAN PERSONS OR ENTITIES UTILIZED BY HIM TO CONDUCT ANY SUCH RELATIONSHIP. THE QUESTIONING SHALL NOT CONCERN ACTIONS OR STATEMENTS OF ANY PRESENT OFFICIALS OF THE REPUBLIC OF KOREA OR ANY THIRD COUNTRY, EXCEPT ANY WHICH MAY HAVE OCCURRED IN THE SECRET

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UNITED STATES OR IN THE PRESENCE OF US OFFICIALS.

3. TO SUBMIT, AS REQUESTED BY UNITED STATES AUTHORITIES, TO POLYGRAPH EXAMINATION BY A UNITED STATES EXAMINER TO EVALUATE THE TRUTHFULNESS OF HIS ANSWERS DURING HIS EXAMINATION BY UNITED STATES PROSECUTORS.

4. TO WAIVE AND REFRAIN FROM ASSERTING ANY AND ALL TESTIMONIAL PRIVILEGES HE MAY HAVE UNDER EITHER KOREAN OR AMERICAN LAW FOR DECLINING TO FULLY ANSWER ALL QUESTIONS OR TO PROVIDE, OR CAUSE OTHERS TO PROVIDE, DOCUMENTS AND MATEIAL, OR OTHERWISE TO COOPERATE.

5. TO PRODUCE NOT LATER THAN AT THE DEPOSITION IN SEOUL, KOREA, ALL MATERIALS AND DOCUMENTS, INCLUDING DIARIES, LEDGERS, APPOINTMENT BOOKS, TELEPHONE MESSAGES, BILLS, AND RECORDS, TELEX MESSAGES, LETTERS, REPORTS, MEMORANDA, NOTES AND OTHER WRITINGS OR MATERIALS IN HIS CUSTODY OR POSSESSION OR UNDER HIS CONTROL WHICH ARE OR MAY BE RELEVANT DIRECTLY OR INDIRECTLY TO PAYMENTS TO OR FOR THE BENEFIT OF UNITED STATES OFFICIALS, OR THE OPERATIONS OF THE GEORGE-TOWN CLUB, OR RICE SALES.

6. TO AUTHORIZE AND DIRECT ALL EMPLOYEES, ATTORNEYS, ACCOUNTANTS OR AGENTS, WHETHER EMPLOYED IN THE REPUBLIC

OF KOREA, THE UNITED STATES OF AMERICA, OR ELSEWHERE,
BY PARK OR BY ANY COMPANY OR ENTITY OWNED OR CONTROLLED
BY HIM, INCLUDING BUT NOT LIMITED TO MIRYUNG MOLSANG CO.,
PACIFIC DEVELOPMENT INC., SUTER'S TAVERN INC., AND THE
GEORGE-TOWN CLUB, PROMPTLY TO PROVIDE TO UNITED STATES
PROSECUTORS ANY MATERIAL OR INFORMATION IN THEIR
POSSESSION, CUSTODY OR CONTROL WHICH IS RELEVANT TO
THE MATTERS IDENTIFIED IN THE PREVIOUS PARAGRAPH.

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7. TO COME TO THE UNITED STATES WHENEVER CALLED BY THE
DEPARTMENT ONLY TO TESTIFY AT CRIMINAL TRIALS OR RELATED
COURT PROCEEDINGS INVOLVING UNITED STATES OFFICIALS OR
PERSONS, TO REFRAIN FROM EXERCISING ANY TESTIMONIAL PRIVI-
LEGE WHICH HE MAY HAVE UNDER UNITED STATES LAW, AND TO
GIVE COMPLETE, CANDID AND TRUTHFUL TESTIMONY.

8. TO SUBMIT TO AND REMAIN VOLUNTARILY UNDER THE SECURITY
ARRANGEMENTS PRESCRIBED BY THE DEPARTMENT DURING TRIPS
BETWEEN THE REPUBLIC OF KOREA AND THE UNITED STATES AND
WHILE IN THE UNITED STATES.

IT IS UNDERSTOOD AND AGREED BY MR PARK AND THE
DEPARTMENT OF JUSTICE THAT IN THE NEGOTIATIONS LEADING
TO THIS MEMORANDUM OF UNDERSTANDING THE DEPARTMENT HAS
NOT REPRESENTED THE INTERESTS OF CONGRESS AND THAT THE
COMMITMENTS STATED HEREIN HAVE NOT BEEN JOINED IN BY
ANY CONGRESSIONAL COMMITTEE AND ARE NOT INTENDED TO
GOVERN REQUESTS FROM THE CONGRESS WHICH MAY BE MADE TO
PARK OR THE GOVERNMENT OF THE REPUBLIC OF KOREA, OR
RESPONSES THERETO, CONCERNING MR PARK OR ANY OTHER
KOREAN CITIZEN.

-----DATE:----- DATE:

TONG SUN PARK BENJAMIN R CIVILETTI
ACTING DEPUTY ATTORNEY GENERAL
US DEPARTMENT OF JUSTICE

-----DATE:----- DATE:

WILLIAM G HUNDLEY, ESQ. PAUL R MICHEL, DEPUTY CHIEF
PUBLIC INTEGRITY SECTION
CRIMINAL DIVISION,
US DEPARTMENT OF JUSTICE

END OF TEXT.

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2. FYI - DEPT ATTGEN CIVILETTI PLANNING VERY LOW-KEY
RELEASE IN SEOUL AND RECOMMENDS SAME FOR WASHINGTON.
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: BRIBERY, TEXT, US CONGRESSIONAL HEARINGS, INVESTIGATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 16 jan 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978SEOUL00360
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Expiration:
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From: SEOUL
Handling Restrictions:
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Office: ACTION SS
Original Classification: SECRET
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: EXDIS
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
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Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3767692
Secure: OPEN
Status: NATIVE
Subject: TONGSUN PARK CASE: TEXT OF MOU FOLLOWING IS TEXT OF MOU AS SIGNED IN SEOUL. BY SEPTTEL WE ARE SENDING YOU COMMENTS ON MOU DEP ATTGEN CIVILET
TAGS: PGOV, KS, US
To: STATE
Type: TE
vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/e38b63e3-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
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20 Mar 2014
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